

Article - Environment

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§7-604.

(a) Notwithstanding § 7-219 of this title, there is a Community Right-to-Know Fund.

(b) The Department shall use the Community Right-to-Know Fund for:

(1) The collection, management, and analysis of data received by the Department from an owner or operator of a facility that is required by the federal Act or any regulations adopted under the federal Act to provide information to the State under § 7-602(b) of this subtitle;

(2) Enforcement by the State of this subtitle or the federal Act;

(3) Planning and training functions performed by the State or local instrumentalities as may be required by the federal Act including:

(i) Conducting:

1. Incident response activities;

2. Shelter in place and evacuation planning;

3. Railroad, maritime, and transportation exercises;

and

4. Emergency response activities;

(ii) The collection of hazardous material commodity flow information;

(iii) The acquisition and maintenance of chemical reference materials;

(iv) Public outreach activities including case studies, school safety, and emergency planning for citizens; and

(v) Participation by emergency response personnel in related training conferences on local, State, and federal regulatory and compliance updates, incident command, and crisis control; and

(4) Emergency response activities of the Department.

(c) The Department shall:

(1) Establish an annual fee for facilities required to report to the State or its instrumentalities under the federal Act; and

(2) Base the annual fee on the cost to the Department for processing the information submitted to the Department under § 7-602(b) of this subtitle.

(d) Except as provided in subsection (f) of this section, beginning March 1, 2003 and each year thereafter:

(1) The annual fee shall be paid to the Department no later than June 1 of each year for reports required under § 312 of the federal Act; and

(2) The annual fee shall be paid to the Department no later than October 1 of each year for reports required under § 313 of the federal Act.

(e) Subject to subsection (b) of this section, the annual fee assessed by the Department under this section may not exceed \$1,000 in any calendar year for a responsible person who owns or operates one or more facilities in Maryland.

(f) (1) The following persons and entities are exempt from paying any fees under this section:

(i) Governmental agencies;

(ii) Farmers whose principal residence is located on their farm;

(iii) Charitable organizations as defined under § 6-101(d) of the Business Regulation Article;

(iv) Petroleum retail facilities with less than 75,000 gallons of gasoline and less than 100,000 gallons of diesel or similar fuel; and

(v) Entities that are exempt from reporting under the federal Act.

(2) The Secretary may adopt regulations that exempt additional entities from the requirement to pay the fees to the Department required by this section.

(g) Any fee or penalty collected or imposed under this subtitle shall be paid by the Department to the Fund.

(h) The Department may use 50% of the moneys in the Fund to provide grants to local emergency planning committees.

(i) (1) A local emergency planning committee that receives moneys under subsection (h) of this section shall provide an annual report to the Department documenting the manner in which the moneys were expended by the local emergency planning committee.

(2) A local emergency planning committee shall spend the moneys provided under subsection (h) of this section for activities identified under subsection (b) of this section or for any other activity which the Department determines is consistent with the purposes of this subtitle.

(j) Moneys allocated to a local emergency planning committee under subsection (h) of this section that are not utilized by the local emergency planning committee within 1 year after receipt of the allocation shall be remitted to the Department and may be reallocated by the Department.

(k) (1) After providing reasonable notice, the Secretary may require a local emergency planning committee to provide the Department with information or documentation relating to the utilization of moneys allocated under subsection (h) of this section.

(2) The Secretary may require an independent audit of any local emergency planning committee not found to be in compliance with paragraph (1) of this subsection.

(l) (1) The Secretary may recover any inappropriate expenditure made by a local emergency planning committee from the Fund.

(2) Any expenditure made by a local emergency planning committee that is inconsistent with subsection (i) of this section or the purpose of this subtitle shall be:

(i) Reimbursed by the local emergency planning committee to the Department; and

(ii) Remitted to the Fund within 90 days after receipt by the local emergency planning committee of a notice from the Department indicating that the expenditure is inappropriate.

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